

Appl. No. 09/488,945
Amdt. Dated 08/08/2005
Reply to Office Action of 5/9/2005

REMARKS/ARGUMENTS

This Amendment is in response to an Office Action mailed May 9, 2005. In the Office Action, claims 18, 20-26, 28-29, 37, 44-51, 53-58, 60-69 and 71-75 are rejected under 35 U.S.C. §112, first paragraph. Moreover, claims 18, 20-22, 28-29, 45-46, 48 and 49 were rejected under 35 U.S.C. §102(b) as being anticipated by Perlman (U.S. Patent No. 5,309,437). Claims 24-26, 37, 44, 47, 50-51, 53-58, 60-69 and 71-75 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of Ross (U.S. Patent No. 5,394,402). Additionally, claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of Civanlar (U.S. Patent No. 5,805,805).

Applicants respectfully traverse these rejections in their entirety. Claims 18, 22, 24, 28, 37, 53 and 71 have been amended. Claims 18, 22, 24, 28, 37, 45, 53, 60, 64 and 71 have been amended. Independent claims 24, 28, 53, 60 and 71 have been amended to include a limitation regarding the "direct coupling" of the switch to the router while independent claims 18, 24 and 64 now feature a limitation of a data structure (or table) is populated based on prior communications with the router. Claims 67-69 have been cancelled without prejudice. Entry of the amendments is respectfully requested.

A. §112 (FIRST PARAGRAPH) REJECTION

Claims 18, 20-26, 28-29, 37, 44-51, 53-58, 60-69 and 71-75 are rejected under 35 U.S.C. §112, first paragraph based on the contention that the direct coupling of the switch to the router was allegedly not presented in the specification. Applicants respectfully disagree that there is no support in the specification, but independent claims 24, 28, 53, 60 and 71 have been amended to clarify the language. The phrase "directly coupled" denotes that there are no interceding device or local area networks, such as virtual local area networks for example, between the router and the first device and the router and the second device. Such construction is clearly illustrated in Figure 2 of the subject application with the switch. Of course, the switch may be physically coupled to the router, and the language of the claims has been selected to cover both instances of physical coupling and coupling without interceding devices or networks. Hence, Applicants respectfully request the Examiner to withdraw the outstanding §112 rejection.

B. §102(B) REJECTION

Claims 18, 20-22, 28-29, 45-46, 48 and 49 were rejected under 35 U.S.C. §102(b) as being anticipated by Perlman. Applicants respectfully disagree and submit that the Examiner has not presented a *prima facie* case of anticipation. As the Examiner is aware, in order to anticipate a claim under §102(b), Perlman must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (Emphasis added). Applicants respectfully submit that Perlman does not teach each and every limitation set forth in the claims.

For instance, as an example, with respect to independent claims 18, 24, 37 and 64, these claims feature a limitation of a data structure (or table) being populated based on prior

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communications with the router. These inter-operations between the switch and the router are not taught or even suggested by Perlman. Moreover, independent claims 24, 28, 53, 60 and 71 and dependent claim 22 now claim that the direct coupling is where there are no interceding devices or local area networks between the switch and the router. Perlman does not teach or suggest direct coupling between the router and the switch. Instead, the BLIP of Perlman is coupled to the router via a communication pathway through one or more local area networks. See Figure 1 of Perlman.

In light of the foregoing, Applicants respectfully request the Examiner to withdraw the §102(b) rejection.

B. § 103(A) REJECTION

Claims 24-26, 37, 44, 47, 50-51, 53-58, 60-69 and 71-75 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of Ross. Moreover, claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of Civanlar. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See *MPEP* §2143; see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).

Herein, neither the primary reference Perlman nor any of the secondary references (Ross or Civanlar) describe or suggest all of the claim limitations set forth in the independent claims. For instance, as an example, neither of these references, alone or in combination, suggest a switch featuring L2/L3 tables populated by the router, with the switch directly coupled to the router as set forth in certain claims, and uses the populated information to perform subsequent packet transfers. Independent claims 24, 37 and 64 include the limitation of the switch's data structure (or table) being populated from prior communications with the router, which is not taught or suggested by Perlman. In contrast, the BLIP of Perlman appears to control its own table population through ARP messages (router functionality).

Likewise, independent claims 24, 53, 60 and 71 feature a limitation associated with the direct coupling between the switch and the router, where there are no interceding devices or local area networks between the switch and the router. Neither Perlman nor Ross or Civanlar, alone or in combination, suggest this direct coupling and interoperations between the router and the switch as claimed. As clearly illustrated in Figure 1 of Perlman, the BLIP features no direct coupling with the router as claimed.

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In addition, based on the dependency of claims 24, 37, 53, 60, 64 and 71, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traversing rejections associated with the remainder of the claims is warranted. Applicant reserves the right to present such arguments if an Appeal is warranted.

Withdrawal of the §103(a) rejection as applied to claims 24-26, 37, 44, 47, 50-51, 53-58, 60-69 and 71-75 is respectfully requested.

Respectfully submitted,

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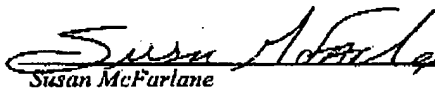
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